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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,782	07/27/2005	Trevor John Chandler	S1011/20181	3119

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EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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05/27/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

Office Action Summary	Application No. 10/518,782	Applicant(s) CHANDLER ET AL.	
	Examiner Justin R. Fischer	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-24, 27, 28, 30-32 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 13, 15, 16, 18, 19, 21-24, 27, 28, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 14, 17, 20, 32 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 13, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage (WO 99/11476, of record) and further in view of Tansei (US 5,141,039, of record). As best depicted in Figures 1 and 3, Savage is directed to a runflat device comprising a plurality of arcuate segments 12, 14 having flanges 24, 26 that overlap one another in the circumferential direction and a first and second clamping bolt 28, 62 that pass through a pair of spaced holes formed in said flanges. The reference further teaches that the run flat device of Savage further includes two captive nuts or fastening nuts 60. The reference, however, fails to describe a construction having a retaining plate with two captive nuts mounted thereon. Tansei, on the other hand, is directed to a similar runflat device formed of a plurality of segments, wherein said segments are mechanically coupled to one another. Tansei specifically teaches the use of a retaining plate or element 18 on each side of said segments in order to reinforce the thinner portions (flanges) of said segments (Figure 3 and Column 3, Lines 65+). One of ordinary skill in the art at the time of the invention would have found it obvious to place a retaining plate between the nuts 60 and the peripheral surface of said segments (such a construction would have a pair of captive nuts mounted on a

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retaining plate). Lastly, the assembly of Savage includes a clamping plate 64 that does not interfere with one of the clamping bolts.

With respect to claim 13, the construction of Savage includes a wedge 30 having an inclined surface and a clamping plate 64.

Regarding claims 30 and 31, the arcuate segments are identical in shape.

3. Claims 15, 16, 18, 19, 21, 22, 24, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savage and Tansei as applied in claim 12 above and further in view of Corner (GB 2015439, of record). As detailed above, Savage in view of Tansei substantially teach the run flat device of the claimed invention. The references, however, are silent as to the inclusion of an inner sleeve. However, such supporting structures/bases are commonly used to properly mount runflat devices within a tire cavity and eliminate contact between said device and the rim, as shown for example by Corner (Figure 1). In this instance, the sleeve of Corner is formed of a central band 28 and a pair of axially spaced bands 40,42. One of ordinary skill in the art at the time of the invention would have found it obvious to use a conventional inner sleeve in the runflat device of Savage absent any conclusive showing of unexpected results.

With respect to claims 21 and 22, Figure 1 of Corner generally depicts a central band having a recess (concave portion) that engages the radially inner end of the runflat device. In this instance, such an engagement is designed to maintain the arrangement of the run flat device (essentially functions as a mechanical connection). One of ordinary skill in the art at the time of the invention would have found it obvious to use any known engagement in order to obtain the desired connection, including a tongue

and groove assembly (recess and flange). It is emphasized that Corner generally depicts an arrangement having a slight mechanical connection.

As to claims 24 and 26-29, Corner suggests that the central band 28 can be formed of nylon and the side bands 40,42 can be formed of, among other substances, plastic materials (Page 2, Lines 80-120). Based on such language, one of ordinary skill in the art at the time of the invention would have found it obvious to use a wide variety of plastic materials commonly used in the tire industry, including polyurethane. Furthermore, applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed materials. Lastly, claim 24 is seen to be satisfied since the central band and side bands are formed of the same material as the claimed invention.

Allowable Subject Matter

4. Claims 14, 17, 20, 32, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed February 26, 2008 have been fully considered but they are not persuasive.

Applicant contends that if one of ordinary skill in the art were to combine the two documents (Savage and Tansei), one would end up with a pair of oppositely spaced retaining plates, through which both bolts in Savage would pass, which is in direct

contrast to the claimed construction in which one of the clamping bolts can be operated independently of said clamping plate.

The coupling assembly of Savage, however, includes a clamping plate 64 that bridges the flange portion 24 and the wedge member 30 (Page 7, Lines 26+). It is clearly evident that the plate does not interfere with one of the clamping bolts. In regards to the inclusion of a retaining plate on the opposite side of the clamping plate, Tansei suggests the inclusion of such a plate over the thin and thick portions in order to reinforce the thinner portions (Column 4, Lines 1-10). Given the existing structure of Savage, one of ordinary skill in the art at the time of the invention would have found it obvious to include a retaining plate that covers the thick and thin portions of flange 26. One of ordinary skill in the art at the time of the invention would not have found it obvious, as argued by applicant, to include such a plate on both sides. It is emphasized that flange 24 already includes a clamping plate that bridges said flange and the wedge member- if anything, one of ordinary skill in the art at the time of the invention would have found it obvious to extend said plate downward so that it covers the thick and thin portions of flange 24.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791